REMARKS

Claims 2-3 have been rejected under 35 USC 112, second paragraph. Claim 2 has been amended to overcome the lack of antecedent basis problem.

Claims 1-8 have been rejected under 35 USC 103(a) as unpatentable over Hippelainen in view of Gorsuch. The rejection is respectfully traversed.

Hippelainen discloses a data transmission system for packet-switched data transmission in a data transmission network, including at least two network nodes. Referring to Fig. 2, two network nodes DXT and BS are illustrated. Reference is made to this figure in col. 4, lns. 34-37, which explicitly notes that BS is another example of a network node like the DXT. All network nodes are connected by a fixed connection, although the base station BS need not be interconnected by circuits, but also can utilize wireless data transmission.   In fact, no interconnection of a base station to a mobile station is disclosed (rather, MS is outside the circle 2 in Fig. 1). Consequently, Hippelainen is directed to a protocol of exchanging data between network nodes and not to a method for a radio transmission between a subscriber station (e.g. a mobile phone) and a base station, as required by the claimed invention.

More specifically, col. 5, lns. 26-40 of Hippelainen fails to disclose a radio transmission between a subscriber station and a base station. Rather, a control signal exchanged between two network nodes BS and DXT (Fig. 2) is disclosed. That is, the reference contemplates an inter-network-element control protocol, not an assignment of resources from a base station to the subscriber station, as required by the claimed invention. Additionally, col. 5, lns. 32-35 and 58-67 further disclose details about the control signal (reference number 8 in Fig. 2). Here, a control signal is issued by the channel management means CHC and transmitted separately from the transmission channel (bold arrow line between DXT and BS in a direction from left to right). Hence, the control signal is not a common channel description, as required by the claimed invention.

There is no reason why the skilled artisan would have combined the Hippelainen and Gorsuch references. The underlying problem of Hippelainen is a random arrival order of data packets which may not be in an appropriate order for forwarding the packets by the base station. In the instant invention, on the other hand, the order of the utilization of a plurality of channel resources has to be specified in order to enable the receiver (mobile station) to recover data in the

order in which it was mapped to the channel resources at the transmitter. Gorsuch, however, discloses a method for assigning channel resources, i.e. a number of fixed rate data channels (defined by CDMA codes), to a number of subscriber units. In Gorsuch, a channel resource assignor assings thelimited number of channel resources among the subscriber units depednig on indications of threshold levels of data buffers in each respective subscriber unit and depnding on the urgency factors. Thus, a number of channels may be assigned to a buffer exceeding the threshold level at a first instance, but released or reduced at a later second instance and assigned to another subscriber unit. Although Gorsuch discloses the possibility to assign a number of channels, i.e. CDMA codes, to a single subscriber unit, the reference fails to describe how such an assignment is signaled from the assignor to the subscriber unit. Hence, the skilled artisan would not have been motivated to combine the references.

Since the recited structure and method are not disclosed in the applied prior art (either alone or in combination), claims 1-8 are patentable.

In view of the above, Applicants submit that this application is in condition for allowance. An indication of the same is solicited. The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing, referencing Attorney Docket No. 118990-039.

Respectfully submitted,

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